Remarks

In the present response, two claims (25, 27) are amended. Claims 1-27 are presented for examination. Applicants believe that no new matter is entered.

I. Claim Rejections: 35 USC § 101

Claims 1-27 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully traverse.

Overview of Law: § 101

Under 35 USC § 101, patentable subject matter must have two basic criteria. First, the subject matter must be one of processes, machines, manufacturers, and compositions of matter. Generally, three categories are not included as patentable subject matter: (1) abstract ideas, (2) laws of nature (example, mathematical algorithms/equations), and (3) natural phenomena. Second, the subject matter to be patented must be "useful.". Applicants' claimed subject matter meets both of these criteria.

Overview of Issues

The first issue is whether claims 1-27 fall within the excluded patentable subject matter of (1) abstract ideas, (2) laws of nature, and (3) natural phenomena. The Office Action contends that the claims are directed to non-statutory subject matter of a "mathematical constructs, the paradigmatic abstract ideas." Applicants respectfully disagree. The claims are not directed to a mathematical algorithm and/or do not consist solely of mathematical operations.

The second issue is whether the claims 1-27 produce a useful, concrete, and tangible result to have a practical application.

Issue 1: Claims within Subject Matter of § 101

The Examiner contends that the claims are directed to "mathematical constructs, the paradigmatic abstract ideas" and, therefore, are not statutory under 35 USC § 101. For several reasons, Applicants respectfully disagree.

First, Applicants contend that claims 1-16 are directed to computerized tools that recite numerous limitations of computer code. Claims 25-27 are directed to computer-readable medium. As clearly supported in the law, such claims are patentable subject matter of § 101.Further, claim 17 is directed to a process. The term "process" is expressly cited in § 101 as being patentable subject matter.

Second, Applicants contend that claims 1-27 do not even recite mathematical equations. For example, none of the elements in independent claims 1, 10, 17, 25, or 27 recite a mathematical equation. In other words, mathematical equations or algorithms are not even recited in the independent claims. For at least this reason, Applicants ask the Examiner to withdraw the rejection.

Issue 2: Claims Produce Useful, Concrete, Tangible Result

The Examiner contends that the claims are merely "abstract ideas." For several reasons, Applicants respectfully disagree.

Applicants' claims have a practical application in the technological arts since the claims produce a concrete, tangible, and useful result. In other words, the claims recite at least one step or one act that produces something that is concrete, tangible, and useful. Applicants provide examples for each of the independent claims 1, 10, 17, 25, and 27.

Claim 1 Produces Useful, Concrete, Tangible Result

As an example, claim 1 recites computer codes means that classifies information, provides a recommendation, and provides feedback. In other words, the claim recites a concrete, tangible, and useful result as classifying information, providing a recommendation, and providing feedback.

Claim 1 thus provides a "real world" value that is more than a mere idea or concept. Further, the output of claim 1 proves that the claim does not consist solely of the manipulation of an abstract idea. By contrast, the claim provides a concrete and tangible result.

Claim 10 Produces Useful, Concrete, Tangible Result

As an example, claim 10 recites computer codes means that classifies information, predicts and highlights an option, and provides suggestions. In other words, the claim recites a concrete, tangible, and useful result as classifying information, predicting and highlighting an option, and providing suggestions.

Claim 10 thus provides a "real world" value that is more than a mere idea or concept. Further, the output of claim 10 proves that the claim does not consist **solely** of the manipulation of an abstract idea. By contrast, the claim provides a concrete and tangible result.

Claim 17 Produces Useful, Concrete, Tangible Result

As an example, claim 17 recites a process that presents choices of nodes and iteratively applies a classifier until a target node is reached. In other words, the claim recites a concrete, tangible, and useful result as presenting choices of nodes and applying a classifier.

Claim 17 thus provides a "real world" value that is more than a mere idea or concept. Further, the output of claim 17 proves that the claim does not consist **solely** of the manipulation of an abstract idea. By contrast, the claim provides a concrete and tangible result.

Claim 25 Produces Useful, Concrete, Tangible Result

As an example, claim 25 recites a computer-readable medium that provides feedback data indicative of likely nodes related to the goal node. In other words, the claim recites a concrete, tangible, and useful result as providing feedback.

Claim 25 thus provides a "real world" value that is more than a mere idea or concept. Further, the output of claim 25 proves that the claim does not consist **solely** of the manipulation of an abstract idea. By contrast, the claim provides a concrete and tangible result.

Claim 27 Produces Useful, Concrete, Tangible Result

As an example, claim 27 recites a computer-readable medium that presents choices of nodes and iteratively applies a classifier until a target node is selected. In other words, the claim recites a concrete, tangible, and useful result as presenting choices of nodes and applying a classifier.

Claim 27 thus provides a "real world" value that is more than a mere idea or concept. Further, the output of claim 27 proves that the claim does not consist **solely** of the manipulation of an abstract idea. By contrast, the claim provides a concrete and tangible result.

Law Supports Position of Applicants

The legal position of the Applicants is clearly supported in MPEP 2106 and case law, such as *AT&T Corp. v. Excel Communications,*, 172 F.3d 1352 (Fed. Cir. 1999). For example, the MPEP clearly states: "Only when the claim is **devoid** of any limitation to a practical application in the technological arts should it be rejected under 35 USC 101" (MPEP 2106: Emphasis added). Applicants have shown that the independent claims are not devoid of any limitation to a practical application in the technological arts.

Burdon on Examiner for Prima Facie Case

Applicants respectfully argue that the Examiner has the burden to establish that claims 1-27 do not meet the statutory requirements of 35 USC § 101. In fact, the MPEP is very clear on this burden:

> Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101. Compare *Musgrave*, 431 F.2d at 893, 167 USPQ at 289; *In re Foster*, 438 F.2d 1011, 1013, 169 USPQ 99, 101 (CCPA 1971). Further, when such a rejection is made, Office personnel must expressly state how the language of

the claims has been interpreted to support the rejection. (MPEP § 2106, II, A).

Applicants respectfully submit that the Examiner has not established this *prima facie* case.

II. Claim Rejections: 35 USC § 102

Claims 1-27 are rejected under 35 U.S.C. §102 as being anticipated by USPN 5,627,980 (Schilit). Applicants respectfully traverse.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Schilit neither teaches nor suggests each element in the rejected claims, these claims are allowable over Schilit.

Claim 1

Claim 1 recites numerous recitations that are not taught or suggested in Schilit. For example, claim 1 recites "receiving information related to a navigation goal." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites a long section of Schilit (i.e., col. 5, lines 25-67). Nowhere does this section of Schilit teach or suggest receiving information related to a navigation goal.

As another example, claim 1 recites "providing a recommendation as to at least one of said choices more likely to lead towards said goal." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites a long section of Schilit (i.e., col. 5, lines 52-67 and col. 6, lines 1-31). Nowhere does this section of Schilit teach or suggest providing a recommendation as to at least one of choices more likely to lead towards a goal.

For at least these reasons, claim 1 is allowable over Schilit. The dependent claims are allowable for at least the reasons given in connection with claim 1.

Claim 10

Claim 10 recites numerous recitations that are not taught or suggested in Schilit. For example, claim 10 recites "predicting at least one option most likely to advance navigation to a predicted goal node of said hierarchy structure." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest predicting at least one option most likely to advance navigation to a predicted goal node of said hierarchy structure.

As another example, claim 10 recites "computer code for iteratively providing suggestions ...." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest computer code for iteratively providing suggestions

For at least these reasons, claim 10 is allowable over Schilit. The dependent claims are allowable for at least the reasons given in connection with claim 10.

Claim 17

Claim 17 recites numerous recitations that are not taught or suggested in Schilit. For example, claim 17 recites "receiving targeting data related to said organizational structure" and then "applying a classifier to said targeting data." The Office Action has not identified an element or section in Schilit that teaches or suggests these recitations. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest receiving targeting data related to said organizational structure and then applying a classifier to said targeting data.

As another example, claim 17 recites "iteratively applying a classifier to said targeting data ...." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest iteratively applying a classifier to said targeting data.

For at least these reasons, claim 17 is allowable over Schilit. The dependent claims are allowable for at least the reasons given in connection with claim 17.

Claim 25

Claim 25 recites numerous recitations that are not taught or suggested in Schilit. For example, claim 25 recites "comparing first data indicative of a user goal node to second data indicative of given organizational structures." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites a long section of Schilit (i.e., col. 5, lines 25-67). Nowhere does this section of Schilit teach or suggest comparing first data indicative of a user goal node to second data indicative of given organizational structures.

As another example, claim 25 recites "providing feedback data indicative of likely nodes related to said goal node ...." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest providing feedback data indicative of likely nodes related to a goal node.

For at least these reasons, claim 25 is allowable over Schilit. The dependent claims are allowable for at least the reasons given in connection with claim 25.

Claim 27

Claim 27 recites numerous recitations that are not taught or suggested in Schilit. For example, claim 27 recites "receiving ... targeting data related to at least one organizational structure" and then "applying a classifier to said targeting data." The Office Action has not identified an element or section in Schilit that teaches or suggests these recitations. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest receiving targeting data related to an organizational structure and then applying a classifier to said targeting data.

As another example, claim 27 recites "iteratively applying a classifier to said targeting data ...." The Office Action has not identified an element or section in Schilit that teaches or suggests this recitation. Instead, the Office Action cites long sections of Schilit. Nowhere do these sections of Schilit teach or suggest iteratively applying a classifier to said targeting data.

III. Claim Rejections: 35 USC § 103

Claims 2 and 18 are rejected under 35 U.S.C. §103 as being unpatentable over Schilit. Applicants respectfully traverse.

Claim 2 depends from independent claim 1, and claim 18 depends from independent claim 17. Thus, for at least the reasons given above in Section II with regard to independent claims 1 and 17, dependent claims 2 and 18 are allowable over Schilit.

IV. Claim Rejections: 35 USC § 103

Claims 7, 15, 20, and 26 are rejected under 35 U.S.C. §103 as being unpatentable over Schilit in view of USPN 6,489,968 (Ortega). Applicants respectfully traverse.

Claim 7 depends from independent claim 1; claim 15 depends from independent claim 10; claim 20 depends from independent claim 17; and claim 26 depends from independent claim 25. Ortega fails to cure the deficiencies of Schilit. Thus, for at least the reasons given above in Section II with regard to independent claims 1, 10, 17, and 25, dependent claims 7, 15, 20, and 26 are allowable over Schilit in view of Ortega.

VI. Claim Rejections: 35 USC § 103

Claims 14, 21, and 24 are rejected under 35 U.S.C. §103 as being unpatentable over Schilit in view of USPN 5,754,938 (Hertz). Applicants respectfully traverse.

Claim 14 depends from independent claim 10; and claims 21 and 24 depend from independent claim 17. Hertz fails to cure the deficiencies of Schilit. Thus, for at least the reasons given above in Section II with regard to independent claims 10 and 17, dependent claims 14, 21, and 24 are allowable over Schilit in view of Hertz.

CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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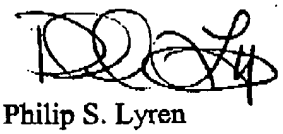
Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 18th day of July, 2005.

By_____
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